

ECFS - E-mail Filing<PROCEEDING> 02-278
<DATE> 09/14/02
<NAME> Neil J Nitzberg
<ADDRESS1> 133 White Pine Ln
<ADDRESS2>
<CITY> Bellefonte
<STATE> PA
<ZIP> 16823
<LAW-FIRM>
<ATTORNEY>
<FILE-NUMBER>
<DOCUMENT-TYPE> CO
<PHONE-NUMBER> 8143552370
<DESCRIPTION> Against Telemarketing (duhh)
<CONTACT-EMAIL> njn2@adelphia.net
<TEXT> Honorable Commission:

Thank you for taking my email.

In my opinion, any exposure I receive to telemarketing activity is an intrusion into my privacy.

Regarding the psychological concerns, I should not be forced to have to tell people never to call me again. I would only do that if there were an intrusion upon my privacy. That I am forced by the system to say that to telemarketers is evidence of their intrusion.

The problem is aggravated by their methodologies, for instance, when their autodialers ring my telephone, then they hang up when I pick up the phone, and repeat the process every 20 minutes.

I also object that they take advantage of the telephone service for which I pay. I may not pay for billboards or television broadcasts, so I am not well able to control what appear on these media, but I pay for my telephone service. I pay for my phone service for my own convenience, not for the convenience of someone with whom I have no established relationship.

Similarly, prerecorded messages are not what I contracted for when I signed up for phone service. In contrast with the method required for having a telemarketer remove me from their calling list, I can't figure out how to tell a recording to never call me again. Since a recording is not human, are they exempt from the requirement to never call me again?

I like the idea of the FTC's proposed do-not-call registry, except that I believe that the registry should begin with every existing phone number on the database. If anyone wants to be able to receive telemarketing calls, they can call the Direct Marketing Association and have their name removed from the database.

Here in Pennsylvania, the Direct Marketing Association has agreed to maintain the do-not-call database for the Commonwealth. I believe this is a conflict of interest, i.e., the wolves guarding the sheep, as the DMA is the central organization that represents telemarketers. For starters, in this age of instantaneous communications, it shouldn't be necessary for there to be a 3 month delay before my de-activation order is recognized. Furthermore, regarding being spontaneously removed from the list every 5 years, I disagree that there is reason to believe I might change my mind by that time.

I assume that if this system is allowed to continue, my telephone will become useless for three months every five years. With the wolves manning the system, the telemarketers will be well informed of their window of opportunity.

One possible option would be for me to have plenty of time to renew my opt-out, so that I will not be removed from the do-not-call list. Then, there would be no break in my do-not-call status, and I would be safe for another 5 years. But I have a basic argument with this option: I should not have to opt-out to avoid being bothered by telemarketers.

Peace,

-Neil-